Nathan, J

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
--x
INDEMNITY INSURANCE COMPANY OF   :
NORTH AMERICA,
                                         :
                    Plaintiff,   :   12 Civ. 3295 (AJN) (AJP)
                                         :
        - against -   **STIPULATION & ORDER**
                                         :   **OF DISCONTINUANCE**
FDX-CALIBER LOGISTICS; FEDEX
SUPPLY CHAIN SERVICES, INC.; FEDEX   :
SUPPLY CHAIN SYSTEMS, INC.; FEDERAL
EXPRESS CORPORATION; FEDEX   :
CORPORATION d/b/a/ FEDEX;
                                         :
                    Defendants.
--x

A settlement agreement having been reached, it is hereby stipulated and agreed that this action is discontinued as to all parties pursuant to Rule 41 (a) (1)(A)(ii) Federal Rules of Civil Procedure, with each party to pay its own costs and attorney fees.

It is further stipulated and agreed that, if the settlement funds are not paid within thirty (30) days of the entry of this order, this action will be restored to the active docket of the Court upon letter application of plaintiff's counsel; and

It is further stipulated and agreed that upon receipt by plaintiff of the agreed settlement funds, this dismissal order will be deemed to have with-prejudice effect.

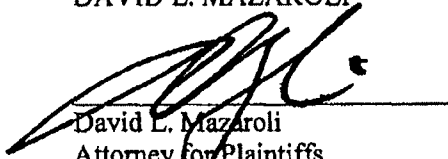Dated: New York, New York
       August 2 2, 2012

                                         SO ORDERED:

                                         _____
                                         UNITED STATES JUDGE

[counsel signatures on p. 2]

12 Civ. 3295 (AJN) (AJP)
Stipulation & Order of Discontinuance
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FEDEX SUPPLY CHAIN SYSTEMS, INC.
FEDERAL EXPRESS CORPORATION
FEDEX CORPORATION d/b/a/ FEDEX

By:

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